



# NATIONAL ASSOCIATION OF GRADUATE-PROFESSIONAL STUDENTS

Organization: *National Association of Graduate-Professional Students (NAGPS)* Friday, October 2nd, 2020

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**International Student Concerns Committee (ISCC)** | Join the committee [HERE](#).

## STATEMENT ON THE DHS PROPOSED RULING OF THE ELIMINATION OF DURATION OF STATUS (D/S)

On September 25th, the Department of Homeland Security (DHS) proposed a rule to [eliminate duration of status \(D/S\)](#) for certain non-immigrant education visas, such as F (for students) and J (for exchange students and scholars) in the Federal Register. The D/S determines how long an international student or scholar may legally remain in the United States, and it was determined and adjusted by the length of their academic program and related activities. Instead of the D/S, the DHS proposed to introduce a **fixed period admission** with provisions for extension of stay. Currently, this rule is in the proposal stage and will accept public written comments, on the [Federal eRulemaking Portal](#), until October 26th.

Here is the [proposed language](#) from the DHS ruling that will be highly impactful towards current and prospective international students:

- “Setting the authorized admission and extension periods for F and J non-immigrants (with limited exceptions) up to the program length, **not to exceed a 2- or 4-year period**”;
- The **limited 2-year admission** is recommended for students that are 1. from countries of State-Sponsored Terrorism, 2. countries with greater than 10% overstay rate, 3. enrolled in specific courses of national interest, 4. enrolled in unaccredited schools, and 5. schools that do not participate in e-verify;
- “**Decreasing from 60 to 30 days** the allowed period (commonly known as the grace period) for F alien to prepare to depart from the United States after completion of a course of study or authorized period of post-completion practical training”;
- “Limiting language training students to **an aggregate 24-month** period of stay, including breaks and an annual vacation”.



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NAGPS strongly opposes over this proposed rule from DHS, and fears its implementation will communicate unwelcoming messages towards current and prospective international students and be harmful to the U.S. global competitiveness, for the following reasons:

1. It would severely impact the quality of higher education and research in the U.S. by limiting the ability of international students & scholars to participate in intended activities, who constitute a large portion of the workforce in graduate research and teaching;
2. It would significantly thwart the development of numerous industries in the U.S. by reducing its talent pool;
3. It would hurt the recovery of the economy by further discouraging prospective international talents to study and work in the U.S., who have directly contributed [\\$41 billion and 0.5 millions jobs](#) in 2018 alone;
4. It would greatly reduce the flexibility for international students in accessing higher education, and in their ability to change majors, universities, and level of education;
5. It would further overload the capacity of the USCIS to process applications of OPT / EAD (work authorization of international graduates), whose process was delayed due to the pandemic and cost more than [90 days](#) on the applicants' end;
6. It would discourage international students from pursuing a Ph.D. in the U.S. as the proposed fixed admission time frame (4 years) is much lesser than the median Ph.D. completion time of [5.8 years](#);
7. Immigration and Customs Enforcement (ICE), a branch of DHS, already monitors the international students in the U.S. through the Student and Exchange Visitor Information System ([SEVIS](#)) program;
8. [Biometrics](#) of international students are already collected at the port of entry by Customs and Border Protection (CBP) so, that data is already available to DHS;
9. No actual statistical evidence provided by DHS on the threat to national security, only a very few isolated incidents were cited;
10. No clear explanation of why changing to a fixed-term admission would reduce the overstay rate while the fixed-term '[business visitors](#)' visa category overstay rate seems to be consistent from 2016 to 2019.
11. Overstay rates in 'student and exchange visitor' visa categories have significantly fallen from [2016 to 2019](#);



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12. “It is important to note that the total number of overstays identified in this report does not equal the total number of overstays who currently remain in the United States during this reporting period. That [number is lower because foreign nationals identified as possible overstays can subsequently depart the United States, or apply to change or extend their current lawful status](#). For purposes of this report, these are still considered overstays”: quoted from DHS 2019 overstay report proving that the overstay data is [misguidedly interpreted](#);
13. In the name of national security, this ruling has the potential to unfavorably restrict bright minds from certain countries;
14. It also restricts to a 2-year admission for students from those countries with greater than 10% overstay rates. However, it is biased because [some countries send only a handful of students](#) and even one bad egg might trigger the overstay restrictions.

Due to all the reasons previously stated, NAGPS univocally opposes this proposed rule. NAGPS urges DHS to immediately withdraw this ruling published in the Federal Register with document #2020-20845.